

Court of Appeals, State of Michigan

ORDER

People Of Michigan v Deveren L Crutcher

Docket No. 261168

LC No. 03-000379

Kurtis T. Wilder
Presiding Judge

Mark J. Cavanagh

Hilda R. Gage
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. Appellant is correct that the starting point for filing the application for leave to appeal was not July 24, 2003. However, the application was still not filed within the required 12-month period of MCR 7.205(F)(3), nor was the application filed within the time period of MCR 7.205(F)(3)(b). Though reinstated, the appeal was once again dismissed by entry of an order on December 22, 2003. The application was not filed within 12 months of December 22, 2003. Appellant did file a motion to reinstate within 21 days of December 22, 2003, and thus under MCR 7.205(F)(3)(b), the time period started with entry of the order denying the motion to reinstate. That order was entered on January 22, 2004, but the appellant's application was still not filed within 12 months of January 22, 2004. The order entered March 9, 2004, denying a motion for reconsideration did not start the time period for filing the application for leave to appeal because the motion for reconsideration was not filed within 21 days of December 22, 2003, as required by MCR 7.205(F)(3)(b). The motion for reconsideration was also not filed within 21 days of January 22, 2004, though the time period for filing a motion that would restart the 12-month period ran from the December 22, 2003, order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 4 2005

Date

Sandra Schultz Mengel
Chief Clerk